



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

BERNIE PORCHE

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**CRIMINAL NO. 1:04-CR-141(2)
JUDGE THAD HEARTFIELD**

ORDER ON PORTION OF DEFENDANT'S MOTION IN LIMINE

Before the Court are two matters:

1. The remainder of Defendant's *Motion in Limine* [Clerk's Docket No. 59, section C, paragraph 6] pertaining to any "inmate injury assessment and follow-up report by any medical staff," and
2. Defendant's *First Motion in Limine* [Clerk's Docket No. 70] filed June 29, 2005.

BACKGROUND

1. The Motion in Limine of June 17, 2005 [Clerk's Doc. No. 59].

On June 20, 2005, the Court ruled from the bench on most of Defendant's *Motion in Limine* [See Clerk's Doc. No. 64]. Specifically, Sections A, B, and paras. 3-5 of Section C of this *Motion in Limine* were decided at the hearing. The Court carried its decision as to the remaining issue of the inmate medical records.

After considering the prior rulings, the remainder of Defendant's *Motion*, and all arguments of counsel, the Court is of the opinion that Section C, para. 6, of Defendant's *Motion in Limine* pertaining to any "inmate injury assessment and follow-up report by any medical staff" should be DENIED.

2. The Motion in Limine of June 29, 2005 [Clerk's Doc. No. 70].

Although Defendant's counsel has titled this a "First" motion in limine, this motion repeats Defendant's previous motion in limine [Clerk's Doc. No. 59] in its entirety. Because the Court, both from the bench and in this order, has resolved all issues contained in paragraphs 1 through 6 of this motion, paragraphs 1 through 6 are DENIED AS MOOT.

As for paragraph 7, it requests a limine ruling on "any pictures of Defendant depicting tatoos." After considering the motion, the response of the United States, and all previous rulings in this matter, the Court is of the opinion that this motion in limine be DENIED.

ORDER

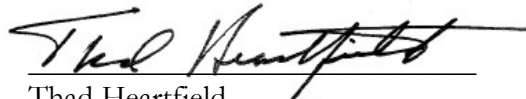
IT IS THEREFORE ORDERED that section C, paragraph 6 of Defendant's *Motion in Limine* [Clerk's Doc. No. 59] is **DENIED**.

IT IS FURTHER ORDERED that sections A, B, and C of Defendant's *First Motion in Limine* [Clerk's Doc. No. 70] are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Section C, para. 7 of Defendant's *First Motion* [Clerk's Doc. No. 70] is **DENIED**.

SO ORDERED.

SIGNED this the **30** day of **June, 2005**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge